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REPORT TO THE HONORABLE
MAYOR AND CITY COUNCIL

BALLPARK LITIGATION

A little noticed event occurred last spring which we would like to bring to your attention. The last of the litigation directly challenging the Ballpark Project quietly ended in April when Mssrs. Bruce Skane and Jerry Mailhot, and their attorney Bruce Henderson, did not seek Supreme Court review of the appellate court decision in *Skane v. City of San Diego*, Court of Appeal No. D042072. (There remains litigation over the Tailgate Park transaction with the Unified Port District, but that litigation never directly challenged the Project as a whole.) You may recall that Mssrs. Skane, Mailhot and Henderson had attempted to set aside all actions related to the Ballpark Project because of alleged conflicts of interest relating to John Moores and Valerie Stallings. They failed in that attempt but sought attorney's fees in connection with the case on the theory that their lawsuit forced the City to take the corrective actions necessary to keep the project moving forward. Both the trial court and the appellate court denied the request for fees.

The City was most ably represented in this, and other, Ballpark Project litigation by Mr. Charlie Bird of Luce, Forward, Hamilton & Scripps. A copy of the appellate court decision concerning the attorney's fees question is enclosed for your review.

Respectfully submitted,

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Enclosure
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